

Workforce System Legislative Update

PRESENTER NAME: Nova Gattman

BOARD MEETING DATE: 3/10/21

DISCUSSION TIME ALLOTTED: 30 min

ISSUE/SITUATION: Be concise - 1 or 2 sentences that get to the heart of the situation, problem or opportunity being addressed.	THE ISSUE/OPPORTUNITY IS: Board staff will provide an update on the legislative session as it relates to the state's strategic plan for workforce development – <i>Talent and Prosperity for All</i> (TAP).
TAP STRATEGIC PRIORITY: Which TAP strategic priority or priorities does this recommendation support? Can you tie to specific goals and objectives in TAP? Briefly describe these connections. If the connection is unclear, describe why this is of consequence to the Workforce Board and/or workforce system.	THIS IS IMPORTANT TO THE WORKFORCE SYSTEM BECAUSE: A coordinated and effective approach to the Board's statutory role to provide advocacy for the workforce system requires a thorough understanding of legislative initiatives and changes relating to the workforce system.
BACKGROUND: Short history of how this recommendation came to be. What has been tried, to what result? What evidence exists to support this recommendation?	Information about the agency's legislative activities are located at: https://www.wtb.wa.gov/about-us/workforce-board-legislative-tracker/
RECOMMENDATION AND NEXT STEPS: What specific result do you want from the Board? Is this recommendation for discussion or action? If for discussion, will action be required at a later date? What next steps are expected after this discussion?	THE RECOMMENDATION AND/OR REQUESTED ACTION IS: Information and discussion only. Board members may request additional information on bills or budget items that relate to workforce development.

Bill	Short Title	Description/Notes	Bill Status
1033 (Leavitt)	Extending the Customized Training Program	<p>SBCTC Request. This bill extends the Customized Training Program (CTP) B&O credit an additional five years until 2026. The CTP is administered by SBCTC for businesses wishing to train current or new workers. This program is often used after the Job Skills Program funds have been depleted. The CTP is a loan program to cover the cost of training. The business pays back the loan over 18 months, with 50 percent of the loan payments credited against its B&O tax. The bill has an emergency clause for July 1, 2021. SBCTC is required to submit a report to the Legislature by Dec. 31, 2024.</p> <p>Workforce Board testified in favor. Extending the CTP was a recommendation of the Future of Work Task Force. The bill has fiscal impact, which will require going through Senate Ways and Means.</p>	Mar. 3: Passed House 97-0-1.
1044 (Leavitt)	Creating prison to postsecondary education pathways	<p>This bill permits the Department of Corrections (DOC) to implement postsecondary education certificate and degree programs, as well as state-recognized preapprenticeship programs at state correctional institutions (currently limited to associate degree programs and certificates). The bill states that DOC shall consider the individual's access to their educational program in determining their return location, and directs DOC to assist the individuals with filling out the FAFSA/WAFSA.</p> <p>The DOC's educational goals are modified to include special education services, and the agency is charged with establishing a process in rule to assess and identify individuals who require such services.</p> <p>The bill requires the WA State Institute for Public Policy to study enrollment, completion, and recidivism rates, with a preliminary report due Oct. 1, 2024, and a final report due in 2027.</p> <p>DOC, SBCTC, and others must also annually report data and information on the status and results of the postsecondary education program.</p>	Feb. 25: Passed House 96-2. Mar. 11: Public Hearing in Senate Committee on Human Services, Reentry, & Rehabilitation.
1095 (Walen)	Exempting emergency grants from B&O taxation	Department of Revenue (DOR) request. This bill exempts CARES Act and related grants or forgiven loans—directly related to a program established to address a President, or Governor-declared national or state emergency—from being considered income or revenue for purposes of the state B&O tax. Under previous law, these funds would be considered as business income subject to B&O tax. DOR had directed businesses to wait to pay 2020 taxes on these funds due to a request for early action from the Legislature. Passed legislature quickly; fourth bill signed this session.	Jan. 22: Passed House 98-0. Feb. 10: Passed Senate 49-0. Feb. 19: Governor signed; Ch 4 L 21.

1162 (Stonier)	Concerning high school graduation credit and pathway options	<p>This is a State Board of Education request bill. Would reduce the number of credits required for graduation for high school students from 24 to 20, beginning with the graduating class of 2021.</p> <p>The bill also allows students to demonstrate their graduation readiness by completing a performance exhibition that includes authentic evidence demonstrating industry or profession specific knowledge and skills in two or more subject areas. School districts are directed to review whether there is disproportionality in students choosing certain graduation pathways, and take corrective action if this is found to be the case.</p>	Feb. 25: Passed House 72-26
1166 (Leavitt)	Expanding access to the homeless and foster care college students pilot program	Extends and expands pilot programs at the community and technical colleges and the four-year higher education institutions to provide assistance to homeless students and students who were in foster care. This bill is an extension of SB 5800 (2019), which created a pilot program at four CTCs and two four-year institutions to provide additional supports and accommodations to former homeless or foster students. The bill would add four additional CTCs, and two additional four-year institutions to the pilot, and extends the pilot through July 1, 2024.	Feb. 26: Passed House 73-22-3. Mar. 11: Public hearing in Senate Committee on Higher Education & Workforce Development.
1170 (Boehnke)	Building economic strength through manufacturing	<p>Creates the Washington BEST Manufacturing Act. States that the intent of the Legislature that WA retain and build on its leadership in the manufacturing and research and development sectors, with a goal of doubling the manufacturing base in 10 years. Requires the Department of Commerce (Commerce) to identify and develop strategies to further these goals. Requires a biennial report on progress, challenges, and recommendations. Requires Commerce to convene a manufacturing council to advise on the report and recommendations, with a relatively open and broad membership list, including equal representation of business and labor.</p> <p>Creates the Manufacturing Cluster subaccount, and directs that appropriations to this fund should be used for the support of regional manufacturing cluster development and job creation in living wage occupations. Requires Commerce to appoint a Workforce Innovation Sector Lead to coordinate workforce activities and needs identified by the other Sector Leads, and work with the workforce agencies to inform funding decisions.</p>	Mar. 9: Passed House 96-0-2.
1176 (Paul)	Student fines and fees	SBCTC request legislation. Provides that a school district may only withhold grades and a student transcript for three years after the student leaves the district, if the student is responsible for fines and costs associated with damaging or losing certain property. The district must inform the student and family that grades or a transcript is being withheld, provide restitution options, including a program of voluntary work, and clearly state the requirement that the district release grades and transcripts after three years. School districts are also required to post information on the number of students and demographic information on those individuals who have these items held.	Feb. 24: Passed House 77-20-1.

1196 (Ricelli)	Concerning audio-only telemedicine.	ESHB 1196: This bill requires health insurance plans (including private plans and Medicaid managed care organizations) to reimburse providers for audio-only telemedicine at the same rate as in-person services beginning Jan 1, 2023. The bill follows emergency rules regarding payment parity between in-person and video telemedicine services enacted during the initial months of the COVID-19 pandemic, and includes physical and behavioral health services. The reimbursement requirement applies only if the covered patient has an established relationship with the provider and has consented to the billing prior to service. Requires the Insurance Commissioner to study and make recommendations about a range of audio-only telemedicine issues, with a report due Nov. 15, 2023.	1196: Feb. 24: Passed House 94-3-1. Mar. 12: Public hearing scheduled in Senate Committee on Health & Long Term Care.
1213 (Senn) 5237 (Wilson, C.)	Expanding accessible, affordable child care and early childhood development programs.	The bill establishes a new account for child care and early learning purposes, and includes a non-exhaustive list of spending goals and strategies. Notably, it expands eligibility and decreases co-payments in the Working Connections Child Care Program, and expands eligibility in the Early Childhood Education and Assistance Program (ECEAP). The legislation also provides increased rates, training, grants, supports, and services for child care and early learning providers. The companion bills are mostly aligned, though have some nuances between the two chambers.	1213: Mar. 9: Passed House 58-38-2. 5237: Mar. 6: Passed Senate 28-21.
1274 (Hackney)	Cloud computing/state agencies	This bill requires state agencies to locate information or telecommunications investments within the State Data Center (current law only requires that agencies locate servers there), and authorizes agencies to locate the investments within third-party, commercial cloud services. The bill establishes a task force on cloud transition within the Office of the Chief Information Officer to review impacts on the workforce, retraining needs, and optimal methods to deliver such training.	Feb. 25: Passed House 96-2. Mar. 11: Scheduled for public hearing in the Senate Committee on Environment, Energy & Technology.
1302 (Berg)	Concerning college in the high school programs	This bill allows students in ninth grade to participate in college in high school (CHS) programs. The bill follows the expansion of CHS to the tenth grade level two years ago. The substitute bill also specified that CHS info must be included in the school's catalogue. The bill sets the tuition cost at no more than \$65 per college credit, and allows for annual adjustment in inflation, with that amount posted annually by OSPI.	Feb. 23: Passed House 97-0-1. Mar. 10: Scheduled for public hearing in the Senate Committee on Early Learning & K-12 Education.
1311 (Bronoske)	SUD apprenticeships/certs	<p>The bill allows DOH to issue a substance use disorder professional trainee (SUDPT) credential to a person participating in an approved registered apprenticeship program. The program must be registered with and approved by L&I and the Secretary of Health. The legislation is related to ongoing development of registered apprenticeships in behavioral health, led by the Behavioral Health Institute, SEIU 1199NW Healthcare Multi-Employer Training Fund, and SEIU 1199NW Healthcare. The Workforce Board has agency staff on the leadership team advising this work.</p> <p>This legislation is directly related to Recommendation 3.1 of the Board's recent Behavioral Health Workforce Assessment, which endorsed the development of this specific registered apprenticeship.</p>	Feb. 12: Passed House 85-11-2. Mar. 12: Public hearing scheduled in Senate Subcommittee on Behavioral Health.

1336 (Hansen)	Creating and expanding authority for public entities to offer retail telecom and broadband service	This bill authorizes public utility districts, port districts, second-class cities, towns, and counties to provide retail telecommunications and broadband services. PUDs and Ports already have “wholesale” authority to lease/sell/build telecom and broadband infrastructure to service providers but not end users or retail customers. The bill expands that authority, and gives it for the first time to counties, towns and 2 nd class cities.	Feb. 23: Passed House 60-37-1. March 11: Scheduled for public hearing in the Senate Committee on Environment, Energy & Technology.
1365 (Gregerson)	Procuring and supporting appropriate computers and devices for public school students and instructional staff	<p>States the intent of the Legislature is to accelerate student access to a “learning device”—a computer or a tablet – that allows the student to access the intent, coursework, and other opportunities—and that this provision is also accompanied by the appropriate training on this equipment. The bill charges the local Education Service Districts (ESDs) with technology consultation, procurement, and training, in cooperation with teacher-librarians. The bill permits cooperation of this requirement with multiple ESDs.</p> <p>Subject to appropriation, OSPI is charged to develop a technology grant program, with a goal of one device for every student, and including training and support for students, staff, and families in learning the technology. Priority for the grants is given in rank order, with prioritization for schools without a free device program and 30 percent or more students eligible for free or reduced lunch, and applicants with specialized technology needs.</p> <p>There is an annual reporting requirement on the progress towards the state’s student technology goals, with reports due Nov. 1, 2022 to start.</p>	Mar. 1: Passed House 59-39.
1399 (Vick)	Occupational licenses/convictions	This bill creates a process for a person with a criminal conviction to request a determination of whether that criminal history is disqualifying for obtaining a professional license administered by the Department of Licensing. DOL must respond with their determination in writing no later than six months after the request, and may not charge more than \$100 for the application.	Mar 1: Passed House 98-0.
1492 (Sells) 5425 (Macri)	Extended UI benefits	5425 is an Employment Security Department (ESD) request bill. Both bills are fairly similar. The bill allows claimants of unemployment insurance to be eligible for extended benefits regardless of whether their 52-week benefit year has expired. The bill allows the state's extended benefit program to "trigger on," without having to wait the 13 weeks between extended benefit periods. Amends a job search provision, for the purposes of federal conformity, regarding denying extended benefits for failing to accept an offer of, or apply for, suitable work. The bill includes an emergency clause.	<p>1492: Feb. 24: Passed House 94-2-2.</p> <p>5425: Mar. 8: Passed Senate 46-3.</p>

1493 (Sells) 5427 (King)	Concerning job search monitoring	This bill provides ESD with discretion, through Dec. 31, 2023, regarding the type of job search evidence required from claimants collecting unemployment insurance benefits. ESD is required to submit a report detailing the impacts of this flexibility, including outcomes. Testimony on the bill noted that the request is due to a need for flexibility even after the Governor’s order ends, to account for local economic conditions, and that this request was unanimously supported by the job search advisory committee, which includes an equal membership of both businesses and workers.	1493: Feb. 24: Passed House 93-3-2. 5427: Mar. 5: Placed on Senate second reading.
1504 (Chopp)	Modifying the Workforce Education Investment Act	<p>The bill states the intent of the Legislature (citing the challenges in access to care and the increased need for behavioral health services in the pandemic), is to increase the behavioral health workforce, including expansion of existing programs, such as the Washington Health Corps and the Washington State Opportunity Scholarship, and establish new programs.</p> <p>Subject to appropriations, the bill requires the Health Care Authority (HCA) to establish a behavioral health workforce pilot program, and provide training support grants to community mental health and substance use disorder treatment providers. The intention of this pilot is to provide incentive pay for individuals serving as supervisors for the associate-level staff, a challenge noted in the Board’s Behavioral Health Workforce Assessment. The bill requires a report by Sep. 30, 2023 on pilot outcomes. The bill also requires that HCA establish a grant program for training specific to providers serving children and youth.</p> <p>The bill increases the cap for the graduate level education state match of the Washington State Opportunity Scholarship, from \$1M to \$5M.</p> <p>The bill adds “workforce development” as an allowable expenditure in the Workforce Education Investment Account (previously limited to higher education programs, operations, compensation, and student aid programs).</p> <p>Null and void clause—bill requires budget funding.</p>	Mar. 3: Passed House 62-34-2.
5030 (Mullet)	Developing comprehensive school counseling programs	<p>This bill charges districts to put together a written plan by the beginning of the 2022-23 school year for a comprehensive school counseling program.</p> <p>The bill states that as part of the plan, school counselors must spend 80 percent of their time providing direct or indirect services to students. The bill specifically defines direct and indirect services, and includes career and college planning and advisement as well as behavioral health counseling as direct service, and referrals or consultation as indirect services.</p>	Feb. 23: Passed Senate 48-1. Mar. 11: Scheduled for public hearing in the House Committee on Education.

5061 (Keiser) 1098 (Sells)	Concerning UI, making changes to rates, waiting periods, benefits, more	<p>Governor Inslee request. This bill makes major changes to the UI program in response to the pandemic, the resulting unemployment spike, changes in federal law, and how UI taxes are calculated on employers. Employers are provided relief from huge tax spikes due to the initial pandemic unemployment, or COVID-necessitated closures, waiting periods for UI claimants are waived where reimbursed by the federal government, benefits are increased, high-risk workers who left work voluntarily can collect UI under certain circumstances, and more.</p> <p>ESD must provide an annual report in December, through 2025, with information about the status of the UI Trust Fund and an analysis of the benefit increase.</p>	5061: Jan. 27: Passed Senate 42-7. Jan. 29: Passed House 89-8-1. Feb. 8: Governor Signed; Ch 2 L 21.
5115 (Keiser)	Establishing health emergency labor standards	<p>The bill provides a series of protections for frontline workers amidst the Governor’s COVID-19 state of emergency proclamation:</p> <ul style="list-style-type: none"> • In the case of frontline workers, public health emergency diseases (such as COVID-19) are defined as “occupational diseases.” • If an employer requires workers to wear PPE, the employer must provide PPE at no cost to employees. • An employer may not discriminate against employees who raise reasonable concern regarding infection control in the workplace. <p>The engrossed substitute clarifies that the bill expires upon expiration of the Governor’s COVID-19 state of emergency proclamation.</p>	Feb. 23: Passed Senate 48-1. Mar. 12: Public hearing scheduled in House Committee on Labor & Workplace Standards.
5214 (Nguyen)	Economic assistance programs	<p>The bill provides an extension of the 60-month lifetime limit for TANF grants, if an individual would have qualified normally to receive that grant any time after March 2020, and in a month when the unemployment rate is at or above 7%. The bill is retroactive to March 1, 2020.</p>	Mar. 3: Passed Senate 29-19-1.

5241 (Dhingra)	Promoting economic inclusion	<p>The bill creates economic inclusion grants, subject to appropriation and administered by the Department of Commerce, to promote equity, economic inclusion, and a stable financial foundation for people experiencing poverty. The bill was developed in partnership with the Poverty Reduction Workgroup (PRWG). Commerce shall consult with a variety of agencies, as well as the PRWG Steering Committee.</p> <p>The purpose of the grants is to empower and incentivize local communities to coordinate existing poverty reduction resources and benefits to make them easier to access, get them to the people who need them, and work as a coordinated system, to help more people move out of poverty and be included in Washington's economic success. Recipients of grants will, among other responsibilities: Develop individualized career plans leading to a self-sufficiency wage, provide streamlined access to local partners who can pay for education or training, and develop a local coordination team that works to ensure easier access to all state and local government services.</p> <p>The bill requires Commerce, in consultation with other named agencies and the Steering Committee, to develop a list of barriers, and federal waivers available, with the goal of more coordinated service delivery to participants, and include this list, and other recommendations for federal action, in the annual report.</p>	March 2: Passed House 45-3-1.
5242 (Lias)	Supporting media literacy and digital citizenship.	<p>This bill requires OSPI to establish a grant program for supporting media literacy and digital citizenship. Up to ten grants per year must be for establishing media literacy professional learning communities to share best practices in the subject of media literacy. At least one grant awarded in each cycle must be used to develop curriculum focusing on synthetic media (deepfakes—defined as media created through machine learning to falsely depict a person's speech or conduct).</p> <p>Along with the grant program, the bill requires OSPI to convene two regional media literacy and digital citizenship conferences.</p>	Mar. 3: Passed Senate 39-10.
5249 (Wellman)	Supporting mastery-based learning	<p>State Board of Education (SBE) request. The bill would make various changes to the Mastery-Based Learning Work Group, which began in 2019, including extending its duration, assigning new duties and report requirements, and expanding its membership. The bill charges the work group with creating a “profile of a graduate,” which should include the cross-disciplinary skills a student should have developed upon their high school graduation. The report of the group, including the profile and any recommendations developed as part of this work, is due Dec. 10, 2021, and a subsequent report summarizing a survey on new graduation pathway options is due Dec. 10, 2022.</p> <p>By Dec. 31, 2022, in a report to the Legislature, the SBE shall review the profile, consider modifications based on public comment, and recommend alignment of graduation requirements with the profile. The bill states that recommendations on new pathway options, or changes to existing ones, must be done in statute, and not solely by rule.</p>	<p>Mar. 3: Passed Senate 49-0.</p> <p>Mar. 12: Scheduled for public hearing in the House Committee on Education.</p>

5265 (Hunt)	Creating a bridge year pilot program	<p>The bill recognizes that students over the last year of the pandemic may need or want additional education to address learning loss and/or participate in extracurricular activities. The bill would charge OSPI with developing a bridge year pilot program to allow students of the class of 2021 and 2022 an additional year of high school. The bill would allow participation in both Running Start and College in the High School. To be considered eligible, students must maintain a 2.0 GPA, and be no more than 19 years old at the start of the program. Students must participate in Running Start or College in the High School in the second term of the bridge year.</p> <p>If a student participates in the bridge year program, schools must expunge a D or F off of a student's transcript if they take the same course in the bridge year, and receive a higher grade.</p>	Mar. 3: Passed Senate 32-17.
5284 (Randall)	Eliminating subminimum wage certificates for persons with disabilities	This bill prohibits L&I from issuing subminimum wage special certificates for individuals with disabilities after July 31, 2023. The bill further provides a process by which these certificates may be extended under certain conditions, once, and for a single year only. DSHS shall continue providing services and technical assistance to individuals with disabilities while prioritizing services for those individuals transition out of subminimum wage employment. L&I and DSHS (DDA/DVR) must annually submit a report that contains information related to individuals employed under special certificates until all the remaining ones have expired.	Feb. 18: Passed Senate 42-7. Mar 12: Public Hearing in House Committee on Labor & Workplace Standards.
5288 (Lias)	Increasing access to the Washington opportunity scholarship program	The bill removes a requirement for eligibility for two programs within the Washington State Opportunity Scholarship that a student must have graduated from a Washington high school, and if passed, would simply require a high school diploma, or equivalent. The bill also changes eligibility requirements for the Rural County High Employer Demand Job Program (rural jobs) to include students who are either residents of a qualifying rural county, or earned their high school diploma in an eligible county, and are attending a CTC in an eligible county (addresses an issue where there is not coverage of programs in every qualifying rural county).	Mar. 8: Passed Senate 49-0.
5299 (Wellman)	Allowing the use of computer science credits for the purpose of graduation requirements	This bill would allow a student to use an approved computer science course in place of a 3rd year math or science credit for the purposes of meeting graduation requirements. All substituted computer science courses must align with the student's High School and Beyond Plan.	Mar. 3: Passed Senate 49-0. Mar. 12: Scheduled for public hearing in the House Committee on Education.
5321 (Nobles)	Expanding access to the College Bound Scholarship	<p>This bill eliminates the requirement that a student must sign a pledge to become eligible for the College Bound Scholarship; stating a legislative intent that the scholarship is a vested right for students who qualify under set eligibility criteria. The bill directs the Office of Financial Assistance within WSAC to develop a process for auto-enrolling eligible students. Students, to the extent practical, must acknowledge receipts of their enrollment in the program and eligibility criteria.</p> <p>The bill is retroactive for students, beginning in the 2019-20 school year.</p>	Mar 4: Passed Senate 31-18.

5357 (Honeyford)	Establishing and making appropriations for the capital broadband investment acceleration program	<p>This bill creates the Broadband Investment Acceleration Program in the Statewide Broadband Office, as a competitive grant program to increase broadband access in underserved areas. Funding priority is for distressed and rural areas of the state, and should match federal funds.</p> <p>Requires the Statewide Broadband Office to develop a project evaluation process to assist in coordination among state broadband infrastructure funders to maximize federal funding.</p> <p>The original version of bill (amended to remove the direct appropriation) allocated \$200 million from capital budget for broadband projects, under certain circumstances.</p>	Mar. 5: Passed Senate 48-0-1.
5401 (Nguyen)	Authorizing CTCs to offer bachelor degrees in computer science	<p>This bill allows CTCs to offer Bachelor of Science degrees in computer science, beginning Dec. 1, 2021. It also establishes requirements for authorization by SBCTC of new bachelor’s degree programs in these institutions, including capacity to build and sustain a program, student and employer demand, and available qualified faculty, and programs that fill a need due to limited programs in the area.</p>	Mar. 2: Passed Senate 48-1. Mar. 11: Public Hearing in the House Committee on College & Workforce Development